

NEGATIVE DECLARATION

October 5, 2001

PROJECT SPONSOR

Bay Area Air Quality Management District

PROJECT DESCRIPTION

The amendments to Regulation 5 are proposed primarily in response to recent revisions to the State's Agricultural Burning Guidelines in Title 17 Subchapter 2 of the California Code of Regulations, which were adopted by the Air Resources Board in 2000. The amendments to Regulation 5 would incorporate certain provisions in Title 17 that are needed to successfully implement and administer the District's new smoke management program for prescribed burning.

The proposed amendments to Regulation 3 would add a new fee schedule for marsh burns and prescribed burning activities. The proposed fees are intended to recover a portion of the District's costs associated with the new smoke management program for prescribed burning.

The proposed amendments to Regulation 5 would also:

- Restrict and clarify existing burn hours for all allowable fires.
- Expand and update the notification requirements prior to burning.
- Allow fire training burns at night and public exhibition fires on no-burn days with conditions.
- Require a person to attempt to cease burning once District staff advises the burner of three or more confirmed complaints.
- Require tree stumps and trunks to be cut or split into sections small enough to ensure that burning material does not smoke after sunset.
- Eliminate obsolete rule language, and provide for consistency and clarity throughout.

PROJECT LOCATION

The proposed amendments apply within the Bay Area Air Quality Management District. This area includes all of seven counties (Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa), and portions of two others (southwestern Solano and southern Sonoma).

DETERMINATION

Pursuant to the California Environmental Quality Act (Public Resources Code section 21000, *et seq.*), the District is the Lead Agency for the described project. The District has prepared an initial study (attached), and, on the basis of the study, has determined that the project will not have a significant effect on the environment.

REVIEW PERIOD

Written comments on the proposed negative declaration must be addressed to Ellen Garvey, Air Pollution Control Officer, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, 94109. Comments will be received during the period from October 8, 2001 until 5:00 p.m. on Monday, October 29, 2001.

If you have questions about the project or the negative declaration, please contact Doug Tolar at (415) 749-5118.